

## City of Horn Lake, MS, Planning Commission – Meeting Minutes for February 28, 2022

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### Agenda items –

1. Call to Order -
2. Roll Call and Pledge of Allegiance –
  - a. Welcome to new planning commissioners, William Egner and William (Bill) Mercer
3. Approval or Previous Meeting Minutes - from 1.31.22.
4. Old Business –
  - a) Case # 2062 – Request by Julia Wooten for a conditional use (CU) for an indoor auto showroom land use located at 1909 Tappan Drive.
5. New Business –
  - a) Case No. 2064: Request by McDonald’s USA, LLC, for a site plan and design review (SPDR) with Langan Engineering, engineer, for a restaurant located at 4170 Fountain Lane, consisting of a store of 4,746 square feet located within the Fountains at Fairfield Meadows Planned Unit Development (PUD), Section H, Lot 1, Subdivision in Horn Lake.
  - b) Case No. 2066: Request by Ms. Janice Willis for a conditional use (CU) for an event center with liquor and part-time church land use at 1426 Nail Road West, Suites A& B in the DeSoto Commons Planned Unit Development (PUD) in Horn Lake.
  - c) Case No. 2074: Request by Wilson Development, owner; Blake Mendrop, Mendrop Engineering Resources, LLC, engineer; for a 1-lot light industrial subdivision final plat (SDFP) called the “Nail Road Industrial Park at Horn Lake,” consisting of approximately 4.9 acres +/- located east of U.S. Highway 51 North at approximately 1100 Nail Road West in Horn Lake (address is unassigned).
6. Other Business.
  - a) Update on other land use planning items.
    - i. SB 2095: Mississippi Medical Cannabis Act – signed by Governor Reeves on 2-2-2022.
    - ii. Comprehensive Plan update.
    - iii. Planning Department staffing.
    - iv. Small-Cell Technology revisit.
7. Adjourn.

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### Present:

1. City Planning Commissioners: Chad Engelke (Chair), William Egner, Angie Little, Linda McGan, William “Bill” Mercer, Janice Vidal, and Andrew Yeager. The commissioner absent was Jimmy Stokes.
2. City Staff: Chad Bahr, AICP, Planning Dir. and John Mark Owston, City Information Technology (IT, contractual).
3. Gallery (public attending): Francis J. Miller, citizen, from 7180 Benji Ave.; Dale Wilson, 3737 Robertson Court; Austin Wilson, 3242 West Hartland Drive, Southaven; and Janice Willis and Jasmine Edwards, 1533 Switzer Cove, Southaven; Margaret Grissom, Langan Engineering, Dallas, Texas; Mike Crowley, with McDonald’s Corporate, from Nashville, Tennessee; and Brian Moore, 3223 Grand Oaks Drive, Hernando.

**Note:** For brevity, the following representations may be used as abbreviations in these minutes -

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- a. Chair = chairperson of the planning commission
- b. Plng Dir = city planning director
- c. RZ = rezoning or zoning amendment case
- d. CU = conditional use
- e. Mtn = motion
- f. 2<sup>nd</sup> = second to a main or primary motion
- g. V = vote or result upon a made motion
- h. PC = city planning commission or commissioner
- i. DE = discussion ensued at some length upon the topic or subject indicated
- j. & = and
- k. PUD = planned unit development type zoning classification
- l. MS = Mississippi

Items –

1. Chair Engelke called the meeting to order at 6:00pm.
2. The Chair led the group in the Pledge of Allegiance. He asked for the roll call. Little called the roll. All were present except for Commissioner J. Stokes.

The Chair introduced the two new planning commissioners, Mr. William Egner and Mr. William “Bill” Mercer. He asked them to tell a bit about themselves.

Mr. Egner spoke first. He said he was from Ward 5, but was an “at-large” appointment. He said he has been a resident of Horn Lake for 11 years and that was pleased to be serving on the PC.

Mr. Mercer spoke next. He said he prefers to be called “Bill.” He added that he is from Ward 4 and that he is retired from FedEx back in 2001 and that he has previous planning commission experience from about 2010 through 2019.

3. The Chair asked for consideration of the Minutes from the 1-31-2022 Planning Commission meeting. One change brought up by Commissioner Vidal was to change the start time on page 2 from 7:00 p.m. to 6:00 p.m.  
Mtn: Little made a motion to approve the minutes as submitted, except for the one correction noted by Vidal from page 2. 2<sup>nd</sup>: Yeager. Vote: Motion passed to approve the minutes, 7-0.
4. Old Business. **4a**). Chair brought up consideration of agenda item 4a), aka Case No. 2062, for the conditional use request for an indoor car lot on 1909 Tappan Drive. He added that staff again had indicated that the signage posting requirement for that case as required by the application process had not been met, and therefore the PC would not be able to hear the case that evening.

The planning director (plng dir.) confirmed the fact the required posting had not been accomplished by the applicant, thus creating the need to table the request.

The Chair asked for a motion to continue the case to the March 28<sup>th</sup> PC meeting date. A motion was made by Yeager and a second was made by Vidal to continue the case until March 28<sup>th</sup>'s planning commission meeting/hearing date. Motion passed, 7-0.

5. New Business –

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- a) Chair asked the plng. dir. for the power point presentation about case no. 2064, a site plan and design review (SPDR) request for a McDonald’s Restaurant to be located at 4170 Fountain Lane.

The planning director gave the power point presentation of the case with the following items touched upon:

1. The height of the building that services the dumpster at 9’6”, with a maximum allowed dumpster height of 8’.
2. Dumpster location in the southeast corner of the property, a front or side yard location.
3. Flat roof proposed, but not allowed.
4. Exterior building material of reveal metal wall panel system proposed for the upper portion of the west façade, etc., but not allowed by name in design standards.
5. He mentioned the site being short of the number of required off-street parking spaces by five (5) spaces, when combining both the land use formula and queueing requirement of the drive-through area.
6. He stated that if approved, a site plan approval was good for one-year.
7. He stated the need for clarification of whether to require one off-street loading space for deliveries. He added if they would receive deliveries when the facility would be closed, then in similar fashion of the Wendy’s to the east, the requirement could potentially be waived.
8. He stated clarification was needed regarding the issue of Average Daily Traffic (ADT) or a Traffic Impact Analysis (TIA).
9. He discussed the west, south (Streetscape Type A) and north (Streetscape Type B) landscaped areas being too narrow and not meeting the required widths per the zoning ordinance for those streetscapes.
10. He discussed the lack of the landscaped parking lot islands/peninsulas along the west and east sides of the property.
11. He discussed the total landscaping required to be 20% of the development, but coming in at 18%.
12. He said he was recommending approval of the request with the conditions as listed above attached to it.

The Chair asked for any questions of staff. Commissioner Little stated the 8’ height maximum was applicable to just the dumpster screening and not the small service building.

Commissioner asked for clarification on the pitched roofing requirement. She referenced roof requirements from the zoning ordinance, Article XIII, E, where one-story buildings less than 10k square feet must have a pitched roof. Staff reiterated the proposal is for a flat roof design. Some discussion ensued (DE) about the number of parking spaces.

The Chair asked for any input from the applicant. There were no comments. The Chair asked for a motion.

Commissioner Egner made a motion: “After review of application Case No. 2064 SPDR, a request for the review of a proposed site, design and landscape plan for a restaurant proposed at 4170 Fountain Lane in Horn Lake for a McDonald’s Restaurant, consisting of 1.03-acres with PUD zoning, the Horn Lake Planning Commission approves of the request with the following conditions attached to it:

- a. Accepting the 9’6” dumpster service building height with roofing,
- b. Accepting the proposed dumpster location,
- c. Accepting the proposed flat roof design,
- d. Accepting the reveal metal wall panel system as an exterior building material,
- e. Accepting the proposed number of off-street parking spaces,

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- f. Accepting the waving of providing one off-street loading space,
- g. Provide to staff's satisfaction issue of Average Daily Traffic (ADT) and Traffic Impact Analysis (TIA) of the proposed land use,
- h. Accepting the west, south and north side planting/landscaping widths,
- i. Accepting the proposed parking lot landscaping, and
- j. Accepting the overall interior lot landscaping percentage at approximately 18%.

A second to the motion to approve with conditions was made by Commissioner Little. The motion passed, 6-0.

### 5. New Business – (continued)

**b)** Chair asked the plng. dir. for the power point presentation about case no. 2066, a request for a conditional use for an event center with liquor and a part-time church at 1426 Nail Road West, Suites A & B.

The plng. dir. gave a power point presentation and mentioned the following items. He spoke about the items from the city's zoning ordinance from Article X, Applications, Item C, which was specific to conditional uses. He referenced the six (6) factors, lettered a-f from the zoning ordinance, and those would be used in the analysis of the CU request. He said the presentation would revolve around those factors.

a. Substantially increase traffic hazards or congestion. He said the applicant supplied the following; "No congestion or traffic hazards will be affected." He said no hard numbers were supplied by the applicant, but at 1,800 square feet of usage space, that the land use would not be a large generator of vehicular traffic, which would be a positive feature. He added some details from the zoning ordinance for a calculating required off-street parking via either the church use as a place of public assembly or the event center as an "institutional, club or lodge and other public or semi-public" type of land use. He said the latter formula based upon the 1800 square feet would create a requirement of six (6) off-street parking spaces, but from the site plan and conducting a field inspection of the property at least 8-10 spaces were available, thus he believed this factor was met by the application.

b. Substantially increase fire hazards. He said the applicant has claimed there would be no substantial increase in fire hazards and that a sprinkler system was present in the building. He said the sprinkler requirement for a public assembly and that the building actually has a fire sprinkler city had been confirmed by the city 's fire department. This was a positive feature of the property. Staff believed this factor was met by the application.

c. Adversely affect the character of the neighborhood. He said the applicant had stated the following from their application, "No, this is a commercial area that has a gas station and auto parts plants and etc. around the facility." Staff confirmed the area has commercial land uses to the south, southwest, west and northwest of the subject property and this was a positive feature. He added that if the applicant desires to serve alcohol at the site this would have to be approved via a liquor license from the Department of Revenue in the State of Mississippi, specifically, the Alcoholic Beverage Control (ABC) office of the said Department of Revenue. Staff said he would see the proposed used as being more compatible with the area land uses if the liquor component was eliminated, but with that left in as overall not compatible with the area land uses.

d. Adversely affect the general welfare of the City. He said the applicant supplied the following from their application, "It will not affect the general welfare of the city." He said that was a generic statement from

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the applicant. The comment for the Horn Lake Police Chief, Troy Rowell, was the following: “Given our experience with these types of businesses in the City in the past, I would not be in favor of granting this conditional use. John Woods Catering used to lease out his space on Scott Blvd. for private events and we frequently were called to that location for various crimes, including large fights and narcotics use. The most recent event facility we had was a location called The Palace on Hwy 51 at Joy Blvd. Like John Woods Catering, we frequently responded to calls to that location for noise complaints, narcotics complaints and the business finally was evicted after a homicide occurred at the business last January. I would be further suspect of this application since the applicant is requesting to serve liquor at the business. It is my opinion based on past experiences, these businesses are essentially operating as a night club without having to meet the same requirements such a business may have to meet. With our current staffing shortages, it will be a burden on the PD to have to respond to the types of calls we have historically responded to at these types of businesses and I am further opposed to this conditional use.” Staff see’s this factor not being met via the application with input such as that.

e. Overtax public utilities or community facilities. Staff said the following was supplied by the applicant, “Public water is in use no overtax utilities will be used.” Staff said the Horn Lake Water Association serves the building via a master meter to the entire building and sewer service is furnished by the City of Horn Lake. It is a positive feature the property is already served by public services. Staff added the school district should not be affected by the proposed land use, but again the police department could be if the liquor component was left in the request.

f. Be in conflict with the Comprehensive Plan. Staff said the following was provided by the applicant for this factor, “All Comprehensive Plan items will be met.” Bahr listed the following items from said *Plan*:

1. **Future Land Use.** Plan calls for commercial land uses in this part of town/this parcel, thus this is met with what is proposed.
2. **General Economy.** The Plan is not particular useful here with anything specific for the land use in question.
3. **Transportation.** The Plan is not particular useful here with anything specific for the land use in question.
4. **Community Facilities.** Nothing specific in support or against the proposed land use from this section of the Plan. The use doesn’t really affect community facilities say a new residential subdivision would affect the public schools, but depending on how the land plays out it seems like it could have the potential to negatively affect police services provided in the community.

Staff stated that because the property is already developed, some aspects of the *Plan* don’t come into play as say, a question for an entirely new development, but there was some, as seen above. Staff added that item 4 seemed to have the most potential as a negative influence upon a community facility such as the police department, thus the factor was not in complete agreement with parts of the *Plan*.

The planning direct said based upon the above, he recommends denial of the request for an event center with liquor and part-time church land use proposed to be located at 1426 Nail Road West, Suites A & B, within the DeSoto Commons Planned Unit Development (PUD), consisting of approximately 1800 square feet that is zoned PUD. This is based upon the following reasoning or basis:

- a. Non-conformance with the City’s Comprehensive Plan, specifically:
  1. Adversely affecting the general welfare of the City, and
  2. Overtaxing (or overusing) public utilities or community facilities, specifically, the City’s police department.

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He did say he had supplied two recommended motions in the staff report depending upon the sentiments of the PC, one for recommending denial and the other for recommending approval to the governing body. The Chair asked if any of the commissioners had any questions or comments. Commissioner Mercer asked staff if there was a minimum distance requirement in (of) the city that church has to be from liquor or a liquor store.

Bahr said he was not familiar with the city codes enough to answer that. He said there might be, but didn't have that answer for them at the moment. Seeing no other questions, the Chair asked for the applicant to speak.

Janice Willis and her daughter, Jasmine Edwards, spoke. Ms. Willis said they are attempting to start a banquet hall for the community. She added it would be something that would provide a place for retirement parties, birthday parties, something that would be upscale and would appeal to the community, but it would be smaller-scale than say what some hotels provide in the area. Her daughter said it would not be a night-club as some have compared it to that have existed in the community. She said it would provide "pop-up" shops for businesses. She added that her smaller size, the location, their advertising and hours of operation would be different than previous establishments in Horn Lake, and thus, good for this location in town.

Chair Engelke asked them about those hours of operation.

Ms. Willis stated that they would like to operate in that 7-11:00 pm time range, but not later. They would rent out for Friday and Saturday evenings, Sunday's for the pop-up shops for churches and then Wednesday evening Bible studies.

Questions came from the PC. Commissioner Egner asked if they planned on being open every day or not.

The ladies answered they would not be open every day, but by contract as needed, but targeting the weekends and Wednesday evenings. Jasmine said they could have some contracts for leasing the space out during the weekdays, but that would be mainly they envisioned for small business that would have need of the facility.

Commissioner Vidal asked if they were planning on having live music at the venue.

Ms. Willis stated it could happen depending upon who was renting the facility.

DE on the topic of live music and city ordinances. Bahr added that if a city ordinance specified, for example, a 10:00 p.m. music cut-off time and the planning commission had a condition with an 11:00 p.m. cut-off time, the city ordinance would control, but he would have to research the issue more in the city code.

Egner asked about the fire code and any interior design the use might create the need for. Has the fire chief mentioned a maximum posted occupancy?

Ms. Willis said he had not, but they thought the max occupancy was 75-100, but their contracts would not mention 100.

Egner asked about whether tables would be provided or not.

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Ms. Willis said they would provide table: 12 round ones and three (3) long ones for serving. She said eight (8) people would be seated at a table.

Commissioner Little asked about what is meant by the term, “pop-up” as they had used that term earlier to describe their potential land use.

Ms. Edwards said that “pop-ups” are for smaller community businesses that have need to display their items or interact with customers.

DE about the pop-ups and the liquor use. Ms. Willis said they would not be selling the liquor or alcoholic beverages. They would be providing the space for an activity/event to occur. They said the liquor component would not be present at the start, but later after they were established.

Commissioner McGan read from Chapter 4, Section 4-2, Items 1, 2 and 3 from the city code dealing with retail sale of beer and light wine. That appears below:

*“Sec. 4-2. - Retail sale of beer and light wine. It shall be unlawful in the city, for the holder of a permit authorizing the sale of beer and wine at retail:*

*(1) If the permit is for off-premises consumption, to sell or give away any beer or light wine before 7:00 a.m. or after 1:00 a.m. daily.*

*(2) If the permit is for on-premises consumption, to sell, give, dispense or permit to be consumed in or upon the premises any beer or light wine Monday through Saturday before 10:00 a.m. or after 12:00 midnight the following day; and on Sunday before 11:00 a.m. or after 11:00 p.m.*

*(3) To sell or store beer or wine within 400 feet of any church, school, kindergarten, or funeral home; however, if the permitted retailer is located within an area zoned commercial, such minimum distance shall not be less than 100 feet. The distance shall be measured from the actual location of the business to the building housing the church, school, kindergarten or funeral home.”*

Commissioner Mercer asked about the church aspect of the request.

Ms. Willis said the facility would be open for those smaller churches that are needing a place to meet.

Commissioner Yeager asked about Saturday night events and then who would clean up prior to say a 7:00 a.m. church service.

Ms. Willis and Ms. Edwards said they both live within 10 miles of the location and would come in and cleanup after a Saturday evening event.

The Chair said the conditional use case was a public hearing and so he opened the case to public input/comments.

Mr. Miller spoke asking about how a church and a liquor store could exist at the same location.

DE on the topic of liquor, schools, church and so forth and the distances from each other.

The Chair asked the applicant to come back up for clarification. He asked to clarify that they would not store alcohol at the facility.

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Ms. Willis said alcohol would not be stored at the location. Ms. Edwards went on to speak about potential hours of operation for the different events that the facility could be used for, e.g., retirement parties likely on Friday evenings or on Saturdays and then the business-oriented pop-up uses more likely during the weekdays, Monday through Fridays, via lease contracts.

Commissioner Little asked if the entities hosting from the event center would be allowed or not allowed to sell liquor.

Ms. Willis said they would put it into their lease contracts that they could not serve liquor, as well.

Chair asked for any other public input.

Brian Moore from Hernando spoke. He said he owns a liquor store and church moved in next to him, but he had to sign a waiver from the church to allow for the distances.

The Chair asked for any more input. Seeing none he closed the public hearing. He asked for a motion.

Commissioner Egner made the following motion: “After review of application Case No. 2066 CU, a request for an event center with liquor and part-time church land use, proposed to be located at 1426 Nail Road West, Suites A & B, within the DeSoto Commons Planned Unit Development (PUD), consisting of approximately 1800 square feet that is zoned PUD, the Horn Lake Planning Commission recommends **approval** of the request to the City’s Board of Aldermen with the following conditions attached to it:

- a. If approved, the applicant/developer/owner shall proceed secure proper licensing for the serving of alcohol from the Mississippi Department of Revenue.
- b. The hours of operation shall be from 7:00 a.m. to 11:00 p.m., Sunday through Saturday, unless a city ordinance would stipulate differently.
- c. All other federal, state, county and city requirements shall be met in the development and operation of the facility.”

Little suggested clarification to research which type of liquor license they would need, if any, and then adding a condition (d) where, “No liquor is sold by anyone on the premises. The Chair asked Mr. Egner is that suggested addition and change was acceptable. Egner said that is was.

Commissioner Vidal made a second to the motion. Chair called for the vote: Yeager: No, Egner: Yes, McGan: Yes, Mercer: No, Little: Yes, Vidal: Yes. The Chair stated the motion to recommend approval of the request with four conditions attached to it to the board of aldermen passed by a 4-2 margin with one absent. The planning director stated the request would be placed upon the aldermen’s March 15<sup>th</sup>, 2022, agenda for consideration.

Chair asked for the next case on the agenda. That was this case:

**5c)** Case No. 2074: Request by Wilson Development, owner; Blake Mendrop, Mendrop Engineering Resources, LLC, engineer; for a 1-lot light industrial subdivision final plat (SDFP) called the “Nail Road Industrial Park at Horn Lake,” consisting of approximately 4.9 acres +/- located east of U.S. Highway 51 North at approximately 1100 Nail Road West in Horn Lake (address is unassigned).

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The plng. dir. started the presentation by saying why the case was being heard and that was because the proposed development was defined as a minor subdivision and they were skipping the sketch plat portion of that process. What was before them was the final plat. He made the following points in the review of the final plat:

1. To update the vicinity map portion of the plat to include the labeling of I-69 and also I-55 for accuracy and clarity.
2. Change the word “North” to “South” in the legal description title portion of the plat.
3. From Section 34-58 of the Subdivision Regulations to show required utility easements of all four sides of the property. Only a 10-foot wide “infrastructure easement” is noted along the property’s south border on the plat.
4. From Section 34-62 of the Subdivision Regulations. He said this item sort of acts as a land use “double-check” if you will, to check and see if what is proposed via the plat fits the development pattern or existing land uses that would or do surround it. He said in staff’s opinion that it does because there is office commercial land use directly north of the subject property and the rest of the area surrounding the property is zoned PUD. The proposed should be a very good fit of similar type land uses because for this property six (6), separate building that would be either commercial or light industrial in nature and they would range from 6,000 square feet to 9,500 square feet in size.
5. From Section 34-89 of the Subdivision Regulations. Minimum Standards. Drainage and sidewalks. He said there was a Note #4 from the plat’s second page, saying the site drainage would be such that water would flow towards a drainage way or road or such, but staff’s opinion of that would be to delete the entire note, but the developer should submit drainage plans for city review. For sidewalks staff became aware that there is an existing sidewalk there so staff notes that change.
6. From Section 34-89 of the Subdivision Regulations. More minimum standards. This is about public water and sewer systems. He said because the sketch plat of the development process was skipped staff was not aware of the exact locations of these public lines, but perhaps the application could give details about that that evening. City’s legal staff suggested that wording be added to Note #2 or somewhere else on the plat about public dedications.
7. From Section 34-89 of the Subdivision Regulations. Minimum Standards. Item (k) about erosion and sediment control. He said there didn’t appear to be any note or language on the plat about this topic so he is suggesting a note to that effect be added to the plat.

Staff recommended approval to the board of aldermen of Case No. 2074 SDFP for the requested subdivision final plat of the “Nail Road Industrial Park at Horn Lake, a 1-lot light industrial plat, consisting of 4.9 acres +/-, with the following conditions attached to it:

- a. Update the vicinity map to include Interstate 55.
- b. Change “North” to “South” in the description title.
- c. Add utility easements to the plat per the subdivision regulation standards.
- d. Delete Note #4 and submit construction plans for city review and approval.
- e. State or list public water and sewer suppliers on the plat, including add wording to Note #2 about public dedications.
- f. Add a note the subdivision and development will meet the City’s requirements for erosion and sediment control.

Chair asked for questions. Commissioner Yeager asked staff if this developed had already been considered by the PC in the last couple of months.

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The Director said he didn't think any specific platting had been approved for this parcel recently, thus the case before them that evening.

The Chair asked if the applicant was present.

Austin Wilson came forward to speak about the development, which they were renaming as, "The Market 55 Industrial Campus." He said their engineer, Blake Mendrop, could not be in attendance that evening, but they have been working with staff on this development. He said they purchased the property from the City of Horn Lake and the area has existed for about 20 years and they have an opportunity to build a beautiful industrial campus with several building that could range from a commercial use to light industrial uses. He said they hope to be before the PC again in March with the site plan design aspect of the development and they are proposing building with a contemporary metal architecture material that is economical to build with, but would enhance the design standard or profile of the city.

The Chair asked if there were any questions.

Yeager asked if they were planning to build elsewhere in the area.

Mr. Wilson said they do intend to build in the area as they have about 27 acres on the south side Nail Road, as well.

Little ask about the land uses intended.

Wilson said they are looking for uses ranging from commercial to light industrial and they have a potential Fortune 500 company willing to relocate from Memphis to this area. He said they would retain ownership of the lot and would be leasing out the spaces via the intended buildings.

The Chair asked if there was a motion.

Commissioner Little made the following motion: "After review of application Case No. 2074 SDFP, a request for a 1-lot light industrial subdivision final plat called the Nail Road Industrial Park at Horn Lake, consisting of 4.9 acres +/-, the Horn Lake Planning Commission recommends approval of the request to the Board of Aldermen with the following conditions attached to it:

- a. Update the vicinity map to include Interstate 55.
- b. Change "North" to "South" in the description title.
- c. Add utility easements to the plat per the subdivision regulation standards.
- d. Delete Note #4 and submit construction plans for city review and approval.
- e. State or list public water and sewer suppliers on the plat, including add wording to Note #2 about public dedications.
- f. Add a note the subdivision and development will meet the City's requirements for erosion and sediment control.

Chair asked for a second. Commissioner Yeager made the second to the motion of approval with conditions. The motion passed, 6-0.

- 6. Other Business.** a. Update on other land use planning items.  
i. SB 2095: MS Medical Cannabis Act.

The Chair asked for an update on this and the other sub-agenda items.

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The planning director said this law was signed on February 2 by Governor Reeves and it gives all jurisdictions of the state, whether a city or county, the ability within 90-days of the signing to either opt-in or opt-out of it. A key thing is, a jurisdiction if it opts-in, **cannot** later opt-out, but if it chooses to opt-out, it can later opt-in or can be legally forced to opt-in via a ballot initiative. The medical marijuana as a land use has three aspects to it: 1) cultivation, 2) processing or laboratory, and 3) dispensary. A jurisdiction can opt-in or opt-out with one or more of these aspects. He said depending upon what the aldermen will decide as time goes on, the planning commission could be seeing potential zoning ordinance text amendments on the subject of medical marijuana later this year.

### ii. Comprehensive Plan update.

Bahr continued and said he will be reaching out to Mr. Robert Barber, with the Orion Planning Group, the company under contract from last year, to update the city's comprehensive plan, within a few days to begin the process to update the city's comprehensive plan which is over do.

### iii. Planning Department staffing.

The director continued on this item by saying it is on the alderman's 3-1-22 consent agenda to hire a planning intern for the department. So, the department is hopeful of that action and hopes that the hiring will be able to help both the department's office manager and the planning director with various tasks.

### iv. Small-Cell Technology revisit.

Bahr said the city during November of 2021 passed an ordinance to regulate this technology. The technology has been around about 10-12 years and is used to augment existing wireless facilities/cell towers, etc. in areas where populations are heavier and denser. He continued the department has been approached for the construction and erection of these smaller wireless facilities by companies, which amount to being similar to utility poles. The department started first to build an actual building permit that would accommodate the ordinance, but the ordinance itself creates the need for a conditional use (CU) for each pole or group of poles and then 18 other requirements. The end result, is a system that is burdensome to planning staff at best and crippling at worst, for basically requiring a CU for a form of utility pole. So, he said he has prepared a memo to present to the aldermen for their 3-15-22 meeting to ask them to revisit the issue and initiate a text amendment to the city's zoning ordinance that the result would be the creation of an administrative review for these small-cell establishments.

Some DE on the issue the director had presented. Commissioner Little brought to the PC's attention the fact that the May PC meeting would fall on Memorial Day and asked the PC to contemplate moving the May meeting a week earlier.

Bahr interjected and said the last time the PC moved its meeting day in 2021 it had the effect to applicants and staff not being able to meet either legal deadlines or practical work deadlines, so he suggested if they changed the meeting day, not knowing what Tuesday's look like to the commissioner's schedules, that they would contemplate falling back one day as opposed to moving the meeting ahead one week.

DE on the topic and the Chair left it for the members to think about the topic until the next meeting. He asked for a motion to adjourn.

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7. Adjournment. A motion was made by Little to adjourn. 2<sup>nd</sup>: McGan. V: Motion passed to adjourn at 7:46 p.m., 6-0.

Prepared by C. Bahr, Plng. Dir., on 3-1 and 2-2022, and completed in unapproved form by him at 3:56 p.m. on 3-2-2022. Typos corrected on 3-3-22 at 11:00 a.m.